

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BARBARA MARCIANO, Individually and on : Civil Action No. 12-cv-02708-SJF-AKT
Behalf of All Others Similarly Situated, : **(Consolidated)**
: CLASS ACTION
Plaintiff, :
vs. :
NOTICE OF MOTION FOR FINAL
SCHELL & KAMPETER, INC., et al., : APPROVAL OF SETTLEMENT, PLAN OF
Defendants. : DISTRIBUTION OF SETTLEMENT
: PROCEEDS, CLASS CERTIFICATION
: AND AN AWARD OF ATTORNEYS' FEES

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TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD

PLEASE TAKE NOTICE that Plaintiff Barbara Marciano ("Plaintiff") hereby moves for the entry of orders: (1) granting final approval of settlement of the captioned litigation, (2) approving the Plan of Distribution of settlement proceeds, (3) certifying the class for settlement, and (4) awarding Lead Counsel attorneys' fees of 20% of the Settlement Fund, inclusive of expenses.

These motions are based upon the Settlement Agreement and supporting exhibits, Plaintiff's Memorandum of Law in Support of Motion for Final Approval of Settlement, Plan of Distribution of Settlement Proceeds and Class Certification, Lead Counsel's Memorandum of Law in Support of Motion for an Award of Attorneys' Fees, the papers and filings on record in this matter and such additional evidence or argument as may be presented at the hearing.

Accordingly, Plaintiff, by and through her counsel, will request this Court, before the Honorable Sandra J. Feuerstein, United States District Judge for the Eastern District of New York, at 100 Federal Plaza, Central Islip, New York 11722 on September 15, 2014, at 11:15 a.m., to enter final judgment and orders finally approving the settlement, approving the Plan of Distribution, and awarding Lead Counsel the requested attorneys' fees.

DATED: April 14, 2014

ROBBINS GELLER RUDMAN
& DOWD LLP
SAMUEL H. RUDMAN
MARIO ALBA JR.
MARK S. REICH
WILLIAM J. GEDDISH

/s/ Mario Alba Jr.
MARIO ALBA JR.

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Lead Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on April 14, 2014, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the email addresses denoted on the attached Electronic Mail Notification List.

/s/ Mario Alba Jr.

MARIO ALBA JR.

Mailing Information for a Case 2:12-cv-02708-SJF-AKT

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

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Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)